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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**CIVIL MINUTES - GENERAL**

Case No.	CV 08-2661-GAF (FFMx)	Date	August 13, 2013
Title	Nuscience Corporation v. Robert Henkel, et al.		

Present: The
Honorable**GARY ALLEN FEES**

Stephen Montes

None

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: (In Chambers)**ORDER SETTING HEARING ON OSC RE CONTEMPT**

Plaintiff NuScience ("NuScience") moves ex parte "for an Order setting an emergency hearing regarding the Court's Order to Show Cause Re Contempt against Defendants[] Robert and Michael Henkel." (Docket No. 105 [Ex Parte Application ("App.")] at 1.) Ex parte relief is appropriate where a party demonstrates (1) that it will be irreparably harmed but for ex parte relief; and (2) it is without fault in creating the need for ex parte relief. Mission Power Eng'g Co. v. Cont'l Cas. Co., 883 F. Supp. 488, 492 (C.D. Cal. 1995).

NuScience urges that "the Henkels are bombarding NuScience, its distributors, and the community with attacks on NuScience and attempting to dissuade NuScience's distributors from doing business with NuScience" while the Court's Order to Show Cause Re: Contempt remains pending. (App. at 1.) NuScience explains that "the most pressing cause for relief" is Robert Henkel's statement on July 31, 2013, that "'TODAY I crush the whole Deuterium Sulfate industry It is 'Lets [sic] turn this into a Commodity' Day.'" (Id. at 2.) The Court agrees that "[t]his is a direct threat by Defendant Robert Henkel to release NuScience's Formula [] to the public, which will cause irreparable harm to NuScience" (Id.)

Accordingly, NuScience's Ex Parte Application is **GRANTED**. A hearing on the OSC re: Contempt is scheduled for August 20, 2013, at 9:30 a.m.

At this hearing, the Court will consider the imposition of further sanctions on Michael and Robert Henkel, including incarceration, for what appear to be continued, willful violations of this Court's judgment in this case, including the recent threat to disclose NuScience's Formula to the public.

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Defendants Michael and Robert Henkel are ORDERED to personally attend the hearing. FAILURE TO ATTEND WILL RESULT IN THE ISSUANCE OF A BENCH WARRANT FOR DEFENDANTS' ARRESTS.

IT IS SO ORDERED.